



Governor's Office of
**CRIME CONTROL
& PREVENTION**
Making Maryland's Communities Safe

*Keep this brochure for
information and questions that arise as your
case proceeds.*

Updated 4/2007



Maryland State
**Board of
Victim Services**

300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828 FAX 410-339-3467
TOLL FREE: 1-877-687-9004
E-Mail Address: myrights@victimsvoice.com

M A R Y L A N D



CRIME VICTIMS AND WITNESSES:

Your Rights and Services

MARYLAND

Officer _____

Complaint # _____

Phone # _____

Investigator _____

Phone # _____

To obtain a written copy of your police
report, please contact the responding
police department

MD STATE'S ATTORNEYS' OFFICE DIRECTORY

ALLEGANY.....(301) 777-5962
ANNE ARUNDEL(410) 222-1740
BALTIMORE CITY(410) 396-4000
BALTIMORE(410) 887-6600
CALVERT(410) 535-1600
CAROLINE.....(410) 479-0255
CARROLL.....(410) 386-2671
Toll Free 1-888-302-8925
CECIL.....(410) 996-5335
CHARLES(301) 932-3350
DORCHESTER(410) 228-3611
FREDERICK(301) 600-1523
GARRETT.....(301) 334-1974
HARFORD(410) 638-3500
HOWARD(410) 313-2108
KENT.....(410) 778-7450
MONTGOMERY(240) 777-7300
PRINCE GEORGE'S.....(301) 952-3500
QUEEN ANNE'S.....(410) 758-2264
ST. MARY'S.....(301) 475-4590
SOMERSET(410) 651-3333
TALBOT(410) 770-8060
WASHINGTON.....(240) 313-2000
WICOMICO.....(410) 548-4880
WORCESTER.....(410) 632-2166

If you believe that
your rights as a crime
victim have been
violated, please contact
the Victims' Rights
Compliance Line
Toll Free at
1-877-927-4632

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OFFICE DIRECTORY	INSIDE BACK COVER
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CRIME VICTIM RIGHTS AND SERVICES

The members of the State Board of Victim Services regret that you have been the victim of a crime. In addition to your personal losses, the experience may have created stress, fear and confusion for you. We would like to help.

The State Board of Victim Services was created by the Maryland General Assembly to address the unique needs of crime victims and to make recommendations for improving state and local crime victim services.

This brochure is designed to inform you of victims' rights and services and to help you use them. It outlines the steps a case goes through in the criminal justice process and explains the responsibilities of the criminal justice system to crime victims and witnesses.

GENERAL VICTIMS' RIGHTS

Under the Maryland Constitution and under State laws and guidelines, a victim of crime must be treated with dignity, respect and sensitivity during all phases of the criminal justice process. After a crime has been committed, and throughout the criminal justice process, different rights and services apply to specific victims during the periods outlined throughout this brochure. For assistance in your community, and to determine your specific rights, refer to the State's Attorneys' Offices listed in the back of this brochure.

Throughout this handbook, the use of the universal masculine reference ("he," "him," and/or "his") is used only to simplify the narrative.

THE CRIMINAL JUSTICE PROCESS

AFTER YOU REPORT A CRIME

If the police arrest a suspect, he will be taken before a Court Commissioner. The Court Commissioner will decide if there is enough evidence - known as "probable cause" - to charge the suspect with the crime, and if so, on what conditions the suspect could be released until a hearing before a judge. Information regarding your case will also be provided to the local prosecutor, also called the State's Attorney.

If the suspect is held in custody after the Commissioner hearing, he will be entitled to a bail hearing before a judge. The judge will then decide whether to release the suspect, perhaps with certain conditions, or to keep him in jail until a trial is held. A defendant can only be detained if the facts show he is a danger to the community and/or there is a risk that he will not appear for the trial. Most suspects are released.

The prosecutor will review any available information, including that provided by the police and Commissioner, and determine for what charges, if any, the suspect should be prosecuted. In more serious cases, the prosecutor may use a Grand Jury to make these decisions.

In serious cases a suspect has the right to ask the judge for a Preliminary Hearing. At this hearing, the judge will decide if there is enough evidence or "probable cause" to continue with the charges against the suspect.

If the prosecutor proceeds with the case, a trial date will be set by the court. Due to crowded court dockets, *the case may take several months to come to trial.* The prosecutor will notify the victim and key witnesses if and when it is time to prepare for trial.

YOUR RIGHTS BEFORE THE TRIAL

A victim or witness can request that his or her address and phone number remain confidential and not be released by the judge, State's Attorney, police, District Court Commissioner or juvenile intake worker.

Once a suspect (now called the defendant) has been charged with a crime, the defendant's attorney will try to discover information which will help him to prepare the case, including the names and addresses of witnesses involved in the case. If you are approached

by the defendant's attorney or his representative, you are not required to talk to them.

If the defendant threatens you, or interferes with your participation in any way, do not hesitate to call the police. *If you are acting as a witness for the prosecution and your safety has been threatened as a result, contact the State's Attorney and your local police agency immediately.* It is a crime for the defendant to do anything to stop you from testifying at the trial. Victim/witness protection resources may be available to increase your protection and enable your continued participation in court proceedings.

Before the trial, the defendant may be required to appear at various court hearings. *As a victim, you have the right to attend these hearings, the trial, and any related hearings or proceedings.* You may ask the prosecutor to notify you of any appearance that you should attend. You also have the right to request restitution. Often the judge will grant several "continuances" or delays, at the request of the defense or the prosecution. Even though delays and continuances are frustrating, it is important that you continue to appear in court when you are requested to do so.

DURING THE TRIAL

The prosecutor can help you prepare for the trial by telling you what questions he will ask and what questions to expect the defendant's attorney to ask. *A victim has the right to be present at the trial.* A victim or witness can request that their address and phone number remain confidential and not be released.

AFTER THE TRIAL

If the defendant is found guilty, the judge will hold a sentencing hearing, often at a later date. The judge has several sentencing options including: confinement in prison or jail, probation, payment of fines or restitution, or any combination of these options.

Probation is the most frequently imposed sentence. Probation means that a convicted offender will be released and may be under the supervision of a probation officer. Probation often includes special conditions such as: required drug testing, payment of restitution, monthly reporting to a probation or parole officer, etc.

At the sentencing hearing, the victim or victim's representative may address the court to describe the impact of the crime. In cases resulting in serious physical injury or death, the court must consider a

victim's or the victim's representative's *written* impact statement describing the effects of the crime on the victim. A written victim impact statement provides a victim or a victim's surviving family members an opportunity to tell the court about the emotional, physical and financial impact of the crime.

A victim also has the right to request restitution. The State's Attorney will help you make this request to the judge.

AFTER SENTENCING

After the trial is over, a victim may have the right to have stolen or other property returned once the case is finished. The State's Attorney will help you to retrieve your property.

Finally, *a victim has the right to be notified of any further hearings related to the defendant's sentence or release by the Division of Corrections, Patuxent Institution, or the Parole Commission.* If you so request, the State's Attorney will see that your request to be notified is forwarded to the correct criminal justice agency for future contact and/or notification.

HELP THROUGHOUT THE JUSTICE PROCESS

Throughout the criminal justice process, and even after it has been completed, you may experience physical, emotional or psychological distress as a result of your victimization. This is a normal reaction, and help is available. Please refer to the **Resource Section** of this brochure if you would like to locate supportive services within your local community.

VINE

"Victim Information and Notification Everyday" is a free, anonymous, **automated telephone service** that provides victims of crime with two important services: **information** and **notification**. VINE will provide you with vital court case and custody information for an offender currently involved in the criminal justice system in Maryland. If you choose, you may register to receive telephone notification for certain court case and custody status events.

For **offender information**, call the Maryland Statewide VINE program toll-free at **1-866-MD4VINE (1-866-634-8463)** and follow the prompts.

If you are the victim of the crime and have completed and returned the *Maryland Crime Victim Notification Request and Demand For Rights Form*, you may be automatically registered to receive notification from the VINE system for court and case custody status events.

MD CRIMINAL INJURIES COMPENSATION BOARD

OVERVIEW

The Maryland Criminal Injuries Compensation Board (MCICB) was established to provide financial assistance to Maryland's crime victims when other resources are not available. Victims or surviving family members of deceased victims may be eligible to be reimbursed for their medical, mental health, and/or funeral expenses and/or lost income resulting from a crime under the following conditions:

WHO MAY APPLY?

- (a) Crime victims, or their parents or guardians on their behalf;
- (b) Dependents of victims who died as a result of a crime;
- (c) Persons who paid the funeral expenses of victims who died as a direct result of a crime;
- (d) Persons injured while preventing a crime or assisting a police officer; and
- (e) Persons injured or killed as a result of an individual driving while intoxicated.

WHAT IS REQUIRED?

- (a) A crime report to police within 48 hours* of the crime;
- (b) A completed claim form sent to MCICB within 180 days* of the crime;
- (c) Physical injury, emotional trauma or death directly related to the crime;
- (d) Innocence of the victim: that is, the victim bears no responsibility for the crime or the injury; and
- (e) Serious financial hardship resulting from the crime.

For further information and assistance in filing — call or write:

MD Criminal Injuries Compensation Board
Suite 206, Plaza Office Center
6776 Reisterstown Road
Baltimore, Maryland 21215-2340
(410) 585-3010 TTY-TTD: 1-800-735-2258

Toll Free Number
1-888-679-9347

* may be waived for "good cause" up to 3 years

DOMESTIC VIOLENCE

When a loved one hurts you, it can be embarrassing, confusing, and sometimes life-threatening. No one has the right to hurt you or your children - not even a family member. Getting help is the first step toward a safe future. This section gives you information about special rights and resources available to victims of domestic violence and/or stalking. See National Domestic Violence Hotline under Statewide Resources in back of brochure.

SPECIAL RIGHTS AVAILABLE TO VICTIMS

In Maryland, the police may make an arrest for an incident of domestic violence without witnessing the assault if they have "probable cause" to believe that assault took place. Officers must make an arrest if an offender is in violation of the "stay away" or "don't abuse" provision of a Civil Protective Order.

PROTECTIVE ORDERS

You are eligible to file for a Protective Order if you are being hurt or threatened by:

- a current or former spouse
- someone with whom you share a child
- a cohabitant
- a parent, stepparent, child or stepchild
- someone who you are related by blood, marriage or adoption

If an arrest is not made at the scene, a domestic violence victim may: (1) make application with a District Court Commissioner to file criminal charges or (2) request that the State's Attorney file criminal charges.

A victim of domestic violence may receive, upon request, a copy of the incident report from the law enforcement agency that responded to the call. Some jurisdictions may charge a nominal fee for the incident report.

A domestic violence victim may also request a "domestic stand-by" from an officer to ensure that she is safe while removing personal items to meet her emergency needs, along with the needs of any children in her care.

OTHER LEGAL REMEDIES

In addition to filing criminal charges against their abuser, victims of domestic violence can also apply for a Civil Protective Order if they: 1) are or were married to the abuser, 2) live with the abuser in a committed relationship for at least 90 days in the last year, 3) have a child together with the abuser, or 4) are related to the abuser. Also, a person who is a parent or child of the victim can apply as well, if they have lived with the victim or the abuser for 90 days in the past year. The Protective Order is a court order instructing the abuser to stop the abuse, leave the joint residence, stay away from the victim's workplace, or abide by other conditions. A person may apply for a Protective Order at a District or Circuit Court. This order may be for the victim or on behalf of a family member, such as a child or vulnerable adult. The Order can last up to a year and may be extended for up to six months.

SAFETY PLAN

Be prepared; develop a safety plan before the violence occurs. Rehearse your plan, tell someone you trust, and teach your children what to do if violence occurs.

- Ask trusted neighbors to call the police if they hear any disturbance. Tell trusted friends or family about the abuse and your plans to get away if an incident occurs.
- Devise a code word to use with children to signal when to call the police and teach them how to call 911.
- Go to a room with a telephone and an escape route.
- Plan several places where you might go to be safe.
- Stash away some cash and pack an emergency bag. Include several days of emergency needs for yourself and your children. Keep this bag in a safe place or a friend's house.
- Calm the situation long enough to get out safely.
- Have a regular reason to get out of the house every day. Establish more independence, a post office box, your own bank account, a job, etc.
- Educate yourself about getting an Ex Parte Order (temporary order) once you decide to leave.

RISK FACTORS

Answering "yes" to any of the following questions suggests a greater potential for risk of violence. The following are some factors that lethal abusers seem to share.

- Are you recently separated?
- Has the abuser seriously injured you in the past?

- Has the violence escalated in severity and frequency?
- Does the abuser own or have access to firearms?
- Has the abuser made death threats?
- Do you believe your abuser could kill you?
- Does the abuser suffer from a mental illness or disorders associated with depression or aggression?
- Does the abuser use alcohol or drugs?
- Has the abuser stalked you, or believes that you are his possession?
- Has the abuser attempted or threatened suicide?
- Has the abuser injured or threatened to injure a family pet?

SERVICES AVAILABLE TO VICTIMS

Domestic violence is a complex crime that usually becomes more frequent and more severe if not addressed. If you have been harmed by an intimate partner, it is important that you contact a local domestic violence program or legal service listed in the *Statewide Resource Section* of this brochure to help you understand how it has affected your life and how to get the support and advocacy you need to live in safety again.

PROTECTION FROM STALKING

Maryland offers special protection for victims of stalking. Stalking is malicious conduct, which includes persistently approaching or pursuing another person with the intent to place them in fear of injury or death.

If you think that you are a victim of stalking, tell the police when they make an arrest, and/or **immediately** file an application with the Court Commissioner to let him know that you may be a victim of stalking and are afraid for your safety. The Court Commissioner *will* consider a stalking victim's safety when deciding to release a defendant on pretrial release.

PROTECTION BY PEACE ORDER

Peace Orders are very similar to civil Protective Orders, but they have some important differences.

PEACE ORDER

You are eligible to file for a Peace Order if you are being harassed or stalked and/or your property is being maliciously destroyed or trespassed on by:

- a stranger
- a neighbor
- an acquaintance
- someone with whom you have a relationship that is NOT appropriate for a Protective Order

The offensive act must have occurred in the past 30 days and include: an act that causes serious bodily harm; places you in fear of imminent serious bodily harm; assault in any degree; rape or sexual offense; false imprisonment; harassment; stalking; trespassing or destruction of property.

The peace order will be granted if the court finds clear and convincing evidence that the accused committed and is likely to commit acts against you in the future. If the court finds reasonable grounds to issue a temporary peace order, the accused may be ordered to refrain from committing the acts, contacting or attempting to contact or harass you, and staying away from your residence, workplace or school.

TO APPLY YOU MUST:

- File an application for petition at the District Court;
- Swear under oath before a judge to the acts being alleged in support of the peace order, and
- Pay approximately \$20 (non refundable) filing fee.

IF GRANTED:

- Pay approximately \$30 to have the order served;
- The order will be temporary for 7 days until a hearing is scheduled; and
- May be extended up to 6 months after the hearing.

For more information about Peace Orders or Protective Orders, please contact the National Domestic Violence Hotline listed in the back of this brochure.

**A VIOLATION OF THE PEACE ORDER
OR TEMPORARY PEACE ORDER IS
PUNISHABLE BY CONTEMPT, CRIMINAL
PROSECUTION OR BOTH.**

SEXUAL ASSAULT

Sexual assault and rape are violent crimes that often leave victims feeling alone and frightened. Crimes of sexual violence are even more painful because victims must discuss very intimate details of the crime with various members of the criminal justice system. Knowing what may happen ahead of time can reduce your anxiety and help you get through the process more comfortably. The most commonly asked questions are answered below.

WHO WILL PAY FOR MY MEDICAL EXPENSES?

A rape or sexual assault victim will be examined without charge, if a police report has been filed. The hospital and physician are entitled to be paid by the Department of Health. You and your insurance company will be responsible for any other medical treatment you receive. You may be eligible for compensation for any other medical expenses not covered by insurance. (*See the Maryland Criminal Injuries Compensation Board.*)

IS THERE MANDATORY TESTING OF THE OFFENDER FOR THE HIV VIRUS?

Upon written request to the State's Attorney, a victim of a crime involving a sexual offense, or other crimes that might result in exposure to the HIV virus, may ask the court to order the accused to be tested for HIV. If you are afraid that you were exposed to this virus, talk to the State's Attorney and/or your local sexual assault counselor for guidance in your individual situation.

HOW MUCH OF MY PERSONAL HISTORY WILL BE MADE PUBLIC IN A TRIAL?

Evidence relating to a victim's prior sexual conduct can seldom be admitted as evidence, however, this issue varies depending on the circumstances of your case. If you have concerns about what information will be made public, you may wish to consult with a sexual assault advocate or the Victim/Witness Coordinator in your State's Attorney's Office.

CAN I RECOVER FROM THIS VIOLENT ASSAULT?

Sexual assault is a life-threatening experience and may result in extreme and long-term trauma to the victim. The physical and emotional results of this trauma generally come in three stages; however, the effects of the assault are different for each victim.

- The *Acute Reaction Stage* usually occurs immediately. The most common signs of this stage are shock, disbelief, fear, anger, helplessness, mood swings, and eating or sleeping disturbances.
- The *Outward Adjustment* is often the next stage. This can be a temporary period where the victim believes that everything is back to normal and tries to regain control over personal feelings and life situations.
- The *Integration Stage* most often begins with depression, followed by a renewal of *Acute Reaction* symptoms. The victim may become overwhelmed by the assault, make drastic life changes and may also experience guilt.

Eventually, with emotional support, if necessary, a survivor of sexual violence or other acts of violence can work through the trauma and move past the fear generated by the assault.

If you have experienced a rape or sexual assault, contact the Sexual Assault Center listed in the **Statewide Resource Section** of this brochure and ask for the support and legal advocacy available to you as you work to heal and recover from this crime.

THE JUVENILE JUSTICE SYSTEM

If you were victimized by someone under the age of 18, the offender is considered a juvenile, and your case may be handled differently than if the offender were an adult. Generally, juveniles are not convicted of a crime, but are found to be delinquent and their records are not made available to the public. Sometimes in cases of serious violent crimes, offenders under the age of 18 are prosecuted as adults.

NOT ALL JUVENILE OFFENDERS ARE SENT TO COURT

The police typically file a “complaint” about the juvenile suspect with the Department of Juvenile Services (DJS). An intake officer at the local DJS office reviews cases. The intake officer will contact any victim involved in the complaint.

The intake officer has 25 days to take action on the case and will decide whether to close the case, place the juvenile on informal supervision, or forward the case to the State’s Attorney’s Office for a formal hearing in Juvenile Court. In order for the case to be handled informally, the victim or victim’s representative must consent to the recommended juvenile court sentencing, called a disposition. You will receive a letter advising you of the decision and your right to appeal if the case is closed. *At his time, you must file an appeal within 30 days.*

JUVENILE DELINQUENCY

A juvenile is considered delinquent if he commits an act which would be a crime if committed by an adult. More serious juvenile complaints go to the State’s Attorney’s Office to be handled in juvenile court. This depends on the severity of the delinquent act, the youth’s age, and prior delinquent record.

For juvenile complaints involving a serious delinquent act, the State’s Attorney may request that the juvenile be prosecuted as an adult in the Circuit Court. A Circuit Court judge rules on this request at a “Waiver Hearing” and determines if the case will be heard in Criminal or Juvenile Court.

WHAT HAPPENS IN JUVENILE COURT

The State’s Attorney must take action within 30 days of receiving a juvenile complaint. There are several types of hearings that may occur:

Detention Hearing: A hearing may be held by a juvenile court judge, called a master, to decide whether or not to detain the juvenile in a secure facility, place the juvenile in community detention or to release the juvenile to the custody of a parent or guardian. The juvenile may be detained only if such action is necessary to protect the juvenile or others, or if the juvenile is likely to leave the jurisdiction of the court.

Adjudicatory Hearing: This hearing is held in juvenile court to determine if the juvenile who committed the offense is “delinquent.” As in an adult case, the juvenile is entitled to an attorney. The attorney may contact you before the hearing to try to gather information to help the juvenile offender, *however*, you are not required to talk to the juvenile’s attorney.

Disposition Hearing: If the offender is found to be delinquent, the judge will hold a separate disposition hearing to determine the appropriate action against the juvenile. He may be placed on probation, placed in the custody of DJS or ordered to participate in appropriate services.

Restitution Hearing: If the juvenile is found to be delinquent, a restitution hearing may be held. The State must prove the victim’s personal property was stolen, damaged or destroyed and/or that there were medical or funeral expenses incurred by the victim as a result of the delinquent act.

If the court determines that restitution should be paid, the judge will enter a judgment of restitution against the juvenile. The court may also hold the juvenile’s parents liable for the expenses. Restitution may not exceed \$10,000. Restitution may be a court ordered condition of the juvenile’s probation.

HOW DO I FIND OUT ABOUT MY CASE?

The victim, and in most cases, the general public have a right to attend any of the hearings mentioned above, if the juvenile is alleged to have committed a delinquent act which would have been a felony if committed by an adult. You have the right to file a “Crime Victim Notification Request and Demand for Rights Form.” In other cases, the court *may* exclude the general public and admit only those persons having a direct interest in the proceedings. For information about your case, contact DJS listed in the back of this brochure.

STATEWIDE/NATIONAL CRIME VICTIM RESOURCES

MARYLAND AUTOMATED VICTIM NOTIFICATION SERVICE

(VINE) 1-866-634-8463
Web site www.vinelink.com

Victims’ Rights Compliance Line 1-877-927-4632
e-mail VictimRights@goccp-state-md.org

GENERAL VICTIM SERVICES/REFERRALS AND NOTIFICATION

Maryland Crime Victims’
Resource Center, Inc. (301) 952-0063
Toll Free 1-877-VICTIM1
e-mail mail@mdcrimevictims.org
Web site www.mdcrimevictims.org
National Center for
Victims of Crime 1-800-FYI-CALL
Web site www.ncvc.org
Pro Bono Counseling Services 1-877-323-5800
Web site www.probonocounseling.org
First Call for Help 1-800-492-0618
Local (410) 685-0525
TTY (410) 685-2159
MD Criminal Injuries
Compensation Board (410) 585-3010
Toll Free 1-888-679-9347
TTY/TTD 1-800-735-2258
Dept. of Juvenile Services 1-888-639-7499
Web site www.djs.state.md.us
Office of the Attorney General (410) 576-6405
Web site www.oag.state.md.us
Maryland Dept. of Human Resources.. 1-800-332-6347
Web site www.dhr.state.md.us

DOMESTIC VIOLENCE SERVICES

MD Network Against
Domestic Violence 1-800MDHELPS
Web site www.mnadv.org
House of Ruth Legal Clinic (410) 554-8463
Toll Free 1-888- 880-7884
National Domestic Violence Hotline ... 1-800-799-7233
TTY 1-800-787-3224
Web site www.ndvh.org

SEXUAL ASSAULT SERVICES

Maryland Coalition Against

Sexual Assault 1-800-983-7273

Sexual Assault Legal Institute (SALI) ..(301) 565-2277

Toll Free..... 1-877-496-SALI

Rape, Abuse & Incest National Network

(RAINN) Hotline 1-800-656-HOPE

CHILD ABUSE SERVICES

National Child Abuse Hotline 1-800-4-A-CHILD

DRUNK DRIVING SERVICES

Mothers Against Drunk

Driving (MADD)(410) 990-9255

Toll Free.....1-800-446-MADD

National Web site..... www.madd.org

LEGAL ADVOCACY SERVICES

Legal Aid Bureau, Inc.(410) 539-5340

Toll Free..... 1-800-999-8904

Web site www.mdlab.org

MD Volunteer Lawyers Service(410) 547-6537

Toll Free..... 1-800-510-0050

Web site www.mvlslaw.org

STATE CORRECTIONS VICTIM NOTIFICATION

Division of Correction(410) 585-3331

Toll Free..... 1-866-606-7789

Maryland Parole Commission.....(410) 585-3213

Toll Free..... 1-877-241-5428